

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BLAKE JOSEPH SANDLAIN,

Petitioner,

Case No. 14-cr-20283

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES OF AMERICA,

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

Respondent.

ORDER DENYING PETITIONER’S MOTION UNDER RULE 60(B)(6) [112]

Blake Joseph Sandlain, an incarcerated person proceeding *pro se*, plead guilty to two felonies and is currently serving his sentence in Leavenworth, Kansas. Pending before the Court is yet another motion in which Mr. Sandlain seeks relief under Federal Rule of Civil Procedure 60(b). As best as the Court can tell, Mr. Sandlain requests this Court to change a decision made by the Sixth Circuit. It should come as no surprise that Mr. Sandlain’s motion must be denied. Indeed, the Court already rejected a similar challenge in its May 12, 2017 opinion and order. *See* Dkt. No. 108, pp. 7–8 (Pg. ID 729–730).

“This Court, as an inferior court, is plainly subject to the review of the Court of Appeals for the Sixth Circuit. *See* 28 U.S.C. § 1291. As such, by its very nature, this Court has no authority to reconsider the judgment of an appellate court.

Restated, the very essence of the relationship between this Court and the Court of Appeals for the Sixth Circuit precludes this Court from altering any decision made by the Court of Appeals.” *Hargrave-Thomas v. Yukins*, 450 F. Supp. 2d 711, 720 (E.D. Mich. 2006) (Gadola, J.). Mr. Sandlain’s Rule 60(b)(6) motion must be denied because this Court does not have the authority to overturn a decision rendered by the Sixth Circuit.

Accordingly, Petitioner’s Motion Under Rule 60(b)(6) is DENIED. If Petitioner continues to repeatedly file challenges in which he revisits issues already decided by this Court, the Court will consider enjoining the Petitioner from filing further motions without first obtaining leave of this Court.

SO ORDERED.

Dated: June 30, 2017

Detroit, MI

/s/Gershwin A Drain

HON. GERSHWIN A. DRAIN
United States District Court Judge

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, June 30, 2017, by electronic and/or ordinary mail.

/s/Tanya Bankston
Case Manager, (313) 234-5213